

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROMEO CORY PITTBULL,)
vs.)
Petitioner,))
JUSTIN JONES,))
Respondent.))
vs.) NO. CIV-11-682-HE

ORDER

Petitioner, a state prisoner appearing *pro se*, filed a petition seeking habeas relief pursuant to 28 U.S.C. § 2254. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Bana Roberts, who recommends that a motion to dismiss filed by the respondent be granted and the petition be dismissed as untimely. Petitioner, having failed to object to the Report and Recommendation, waived his right to appellate review of the factual and legal issues it addressed.¹ United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court adopts Magistrate Judge Robert's Report and Recommendation, grants the respondent's motion to dismiss [Doc. #16] and dismisses the petition as being barred by the applicable one year statute of limitations.

IT IS SO ORDERED.

Dated this 19th day of March, 2012.


JOE HEATON
UNITED STATES DISTRICT JUDGE

¹Petitioner also failed to respond to respondent's motion to dismiss.